

***Effective 3/29/2014***

***Superseded 3/28/2016***

**63G-6a-707.5 Best and final offers.**

- (1) At any time during the evaluation process, the evaluation committee, with the approval of the director or head of the issuing procurement unit, may:
  - (a) request best and final offers from responsible and responsive offerors; and
  - (b) evaluate those offers.
- (2) In requesting and evaluating best and final offers under Subsection (1), the evaluation committee shall:
  - (a) ensure that each offeror receives fair and equal treatment with respect to the other offerors;
  - (b) establish a schedule and procedures for conducting discussions;
  - (c) ensure that information in each proposal and information gathered during discussions is not shared with other offerors until the contract is awarded;
  - (d) ensure that auction tactics are not used in the discussion process, including discussing and comparing the costs and features of other proposals; and
  - (e) set a common date and time for the submission of best and final offers.
- (3) If an offeror chooses not to participate in a discussion or does not make a timely best and final offer, the offer submitted by the offeror before the conduct of discussions shall be treated as the offeror's best and final offer.